

### **REMARKS**

Claims 1-20, 37, 38, 40, 41, 45 and 46 are now pending in the application. Claim 39 is canceled without prejudice. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-6, 8, 9, 11, 12, 15-21, 37-41, and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Estes (U.S. Pat. No. 5,578,034) in view of Ishida (U.S. Pat. No. 5,158,409). This rejection is respectfully traversed.

Claims 7 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Estes in view of Ishida in view of Eisermann et al (U.S. Pat. No. 6,342,055). This rejection is respectfully traversed.

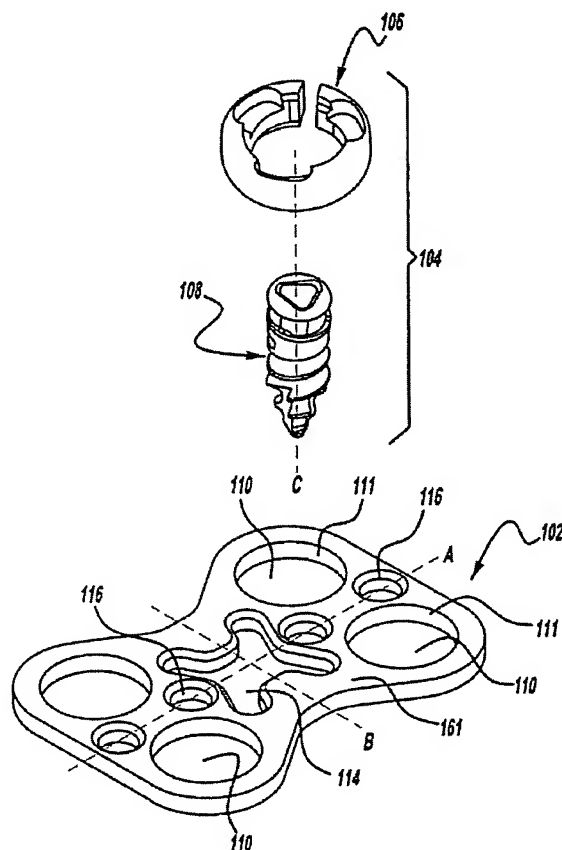
Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Estes in view of Ishida and further in view of Bailey et al (U.S. Pat. No. 6,599,290). This rejection is respectfully traversed.

Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Estes in view of Ishida in view of Pohndorf et al (U.S. Pat. No. 5,904,683). This rejection is respectfully traversed.

Applicants incorporate by reference without repeating the arguments made on pages 11-17 of the Amendment filed on October 25, 2007 and further traversed the above rejections as follows.

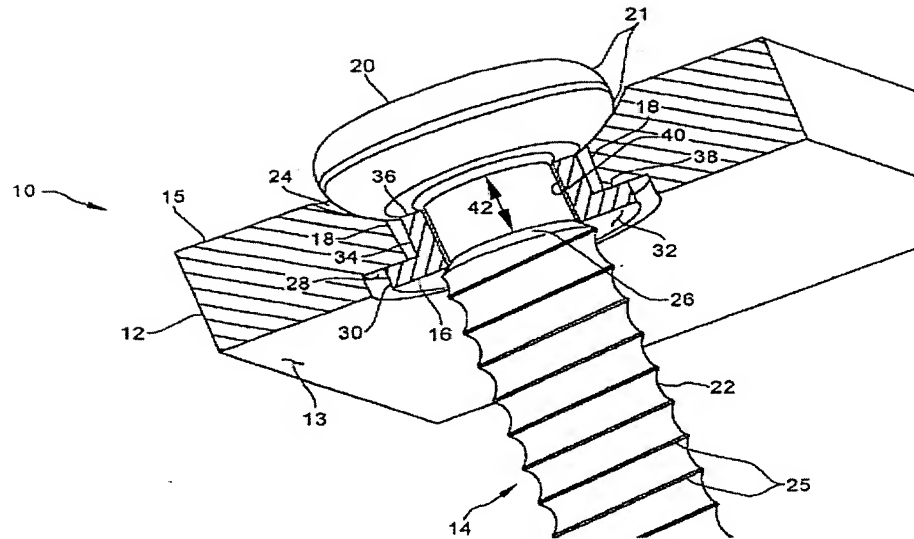
Each of independent claims 1, 17, 37 and 45 recites a fixation hole **substantially completely bounded by an inner spherical surface**. See, for example, FIG. 1 of the present application, in which the inner surface is illustrated at 111:

**present application**



**FIG-1**

The Office Action relies on portion 24 of the fixation hole of FIG. 1 of Estes for this limitation. As can be seen in FIG. 1, reproduced below, the surface 24 of Estes is merely a subset of the inner surface that bounds the hole.



Therefore this limitation is missing from Estes and the other cited references. Ishida is cited in the Office Action for the cam and lobe limitations, Eisermann et al for the viewing window, Bailey et al for the tool, and Pohndorf et al for the driver formations. Therefore, all the independent claims, as well as all the currently pending dependent claims, in view of their respective dependencies, are patentable over the cited references.

Further, each of claims 6, 20, and 38 recites a head member with a spherical outer surface. The head member recited in claims 6, 20 and 20 is **expandable** as recited in the corresponding base claims 1, 17, and 37. The Office Action relies on element 21 (the head of Estes' fastener) in FIG. 1 of Estes for this limitation and at the same time inconsistently and improperly identifies the expandable head member as element 16, which is the ring element of Estes. Therefore, claims 6, 20, and 38 are also patentable over the cited art for this additional reason.

Reconsideration and withdrawal of these rejections is respectfully requested.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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